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**CONSULTATIVE COUNCIL OF EUROPEAN JUDGES  
(CCJE)**

**Questionnaire with a view of the preparation of Opinion No. 15 on  
specialisation of judges and courts**

**Answers: Duro Sessa Croatia**

## 1. Specialisation of courts

TYPES OF COURTS/JUDGES	(A) TICK THE BOX IF YOUR COUNTRY HAVE SPECIALISED COURTS/JUDGES IN:	(B) IF NO TO (A), TICK THE BOX IF THEY ARE SPECIALISED JUDGES/CHAMBERS WITHIN A GENERALIST COURT	(C) IF YES TO (A), TICK THE BOX IF THEY ARE A SEPARATE INSTITUTION WITHIN THE GENERAL ORGANISATION OF THE JUDICIARY	(D) IF YES TO (A), TICK THE BOX IF THEY ARE A SEPARATE JUDICIARY FORMING A SYSTEM OF THEIR OWN <sup>1</sup>	(E) IF YES TO (A), TICK THE BOX IF THEY HAVE A COMPOSITION INCLUDING LAY MEMBERS OR ONLY OF LAY MEMBERS <sup>2</sup>	(F) IF YES TO (A), TICK THE BOX IF THEY HAVE A TERRITORIAL COMPETENCE DIFFERENT FROM GENERALIST COURTS (PLEASE SPECIFY IF APPROPRIATE)	(G) IF YES TO (A), TICK THE BOX IF THEY APPLY RULES (PROCEDURE, EVIDENCE, ETC.) THAT ARE DIFFERENT FROM THOSE APPLICABLE IN GENERALIST COURTS (PLEASE SPECIFY IF APPROPRIATE)
Family courts		x					
Juvenile courts	x	x			x		x
Administrative courts/council of state	x						
Immigration/Asylum							
Courts of Account							
Military Courts							
Tax Courts							
Labour/social courts	X only one first instance court in zagreb	X in all other courts of first and second instance					
Courts for agricultural contracts							
Consumers' claims courts							
Small claims courts							
Courts for wills and inheritances							
Patent/copyrights/trademark courts							
Commercial courts	x						
Bankruptcy courts							
Courts for land disputes							
"Cours d'arbitrage"							
Serious crimes courts/courts of assize		x				X /there are only four courts in the Country with jurisdiction for serious and org.crime	
Courts for the		x					

<sup>1</sup> For example, appeals on decisions of the specialised court of first instance is filed with a specialised court of appeals, council of state, etc.

<sup>2</sup> For example, composition including lay members: jurors, psychologists, engineers; please specify qualifications and system of recruitment. For example composition of only lay members: representatives of labour organisations, aldermen-échevins, justices of the peace, magistrates etc.

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supervision of criminal investigations (e.g. authorising arrest, wire-tappings, etc.)							

Courts for the supervision of criminal enforcement and custody in penitentiaries							
Other, please specify:							

To what extent specialisation of courts is relevant in your system?

## 2. Specialisation of judges

a) Does the recruitment procedure take into account the specialised studies accomplished after the university diploma in law? Does it take into account the specialised professional experience? Please specify.

**State Judiciary Council has competence for appointment judges and presidents of courts in the procedure which is strict and proscribed by law and self-governing regulations. Not to go in the details it is based on points.**

**Also interview with the candidates can gain some points and of course specialization of judges in specific field of law and working experience in that field will play important role.**

b) Are judges promoted to a higher court, or assigned to a post of chief judge, on the basis of a procedure giving relevance to specialisation? Please specify.

**Please see answer under 2.a.**

c) May a judge from a generalist court move to a specialised court, or from one specialisation to another:

<i>As to separate court systems:</i>	<i>Within the same court system:</i>
<input checked="" type="checkbox"/> by just filing an application examined on the basis of seniority and other criteria not including previous specialisation?	<input type="checkbox"/> by showing professional experience?
<input type="checkbox"/> by resigning from original post and participate to a new recruitment?	<input type="checkbox"/> by attending specialisation/reconversion courses?
<input type="checkbox"/> other?	<input type="checkbox"/> by passing a specialisation exam?

d) Does the system ensure that all judges may access specialisation (e.g. by giving them the appropriate information)?

**YES**

e) What are for judges the criteria for access to specialisation?

**There can be various criteria taken into account, but main are interest of a judge to attend specific specialization courses, number of judges which show interest, needs of the court, sufficient funds etc.**

**If possible through Judicial Academy all judges will be eligible for access to specialization.**

f) Do financial provisions exist helping judges to transfer to other towns where specialisation may be acquired?

**YES, there are specific regulations which cover that area.**

g) Are there access/reconversion courses to specialised functions:

- Yes, within the judicial training institute ?

- Yes, organised by an institution different from the judicial training institute?

- No?

h) Are there training courses reserved only to specialised judges?

**YES, judges who are fulfilling their duties in specialized courts (commercial and petty crime courts) or judges to whom specific cases are assigned in courts of general jurisdiction have specific trainings in matters of law but in other areas connected with their specific duties.**

i) Are exchanges of judicial experiences between different specialisations and/or generalist groups of judges organised?

**YES**

j) Do specialised positions exist in court for organisational purposes only (e.g., judge serving as spokesperson for the court; judge for the development of IT in court; judge co-operating with ADR services, etc.)?

**YES, but only at Supreme court and larger courts. Those duties mentioned above are not only duties of those judges in the courts. They are fulfilling their regular duties in lower scale and those additional duties as well.**

k) If yes, is there a specific training for this type of posts? Please specify.

**YES. Those judges have specific training programs created, developed and exercised within Judicial Academy.**

l) Do specialised judges have a higher compensation than generalist judges? Please distinguish, if relevant, according to whether the specialist judges belong to the same court system or a separate court system (e.g., in some countries, depending on the distinction between ordinary judges and administrative judges).

**In Croatia first instant courts are, municipal courts ( courts of general jurisdiction), petty crime courts / judges of those courts have same compensation which is the lowest in the system.**

**Judges of Commercial Courts and Administrative Courts are also first instant specialized courts and judges of those courts have higher compensation then judges of municipal courts but formal requirements are different.**

**In second instant courts of general jurisdiction judges with duties on specific criminal cases where these courts act as first instance courts (organized crimes, war crimes) have higher salaries then other judges in the same court.**

**Judges of second instance specialized courts ( High Commercial Court, High Petty Crime Court, High Administrative Court ) have higher compensation then judges of general second instance court.**

**At the top of the pyramid are judges of Supreme Courts with same salaries regardless on type of cases or specialization**

m) Are there special allowances, or benefits in kind, for specialised judges?

Please see answer under 2.1.

- n) Are specialised judges entitled to a preferential access to higher courts? If yes, is such access limited to the specialisation field of the judge concerned?

**No in the principle, but in practice judges of specialized first instance courts will be more likely appointed to second instant specialized court of same jurisdiction.**

### **3. Specialisation of courts vis-à-vis specialisation of other actors of justice**

- a) Is the bar and/or professional associations of lawyers organised on a specialised basis in your country? Please specify.

**NO. Only few attorneys can call themselves as specialized for specific field of law upon permission form the Bar.**

- b) In order to practice before specialised courts, have lawyers to be specialised (e.g. registered in special bar listings)?

**NO.**

- c) Is public prosecution organised on a specialised basis in your country? Please specify.

**YES. Every office of the prosecutor is organized in two departments. Criminal and Civil for the cases where they are representing the State in civil cases.**

- d) In order to practice before specialised courts, have prosecutors to be specialised (e.g. belong to specialised department of the prosecution service)?

**NO.**

- e) Are specialised judges assisted by specialised staff (clerks, technical staff, etc.) ? If yes, is this staff recruited on an *ad hoc* basis?

**NO in principle. Only judges in municipal courts dealing with juvenile cases are assisted by civil servants with specific qualifications (e.g. psychologists )**

### **4. Specialisation and governance**

Is your Council for the judiciary or other another equivalent independent body entrusted with the protection of the independence of judges competent for all specialised judges, as for all generalist judges? If not, please specify the specialised judges that are not under the governance of the Council.

**In Croatia Council is competent for all judges of all courts.**

### **5. Specialisation, professional associations of judges, judicial ethics**

- a) Are there in your country professional associations of specialised judges?

**YES. Judges in charge for juvenile cases have an Association but most of judges are members of Association of judges.**

b) Do specialised judges have separate or common “principles of judicial ethics”<sup>3</sup> with respect to generalist judges? If separate principles apply, please specify (i.e. separate principles needed by exposure of specialised judges to problems affecting juveniles, family problems, labour disputes, etc.).

**NO. Code of Ethic is the same for all judges.**

## **6. Conclusion**

a) Please give your opinion on the advantages and disadvantages of special courts

**For specific fields of law which require specific organization of courts when dealing with that type of cases my opinion is that specialized courts are welcomed. But to many specialized courts makes system of judiciary less flexible because judges cannot be transferred to other courts in the same city where there is lack of judges.**

b) Please give your opinion on the advantages and disadvantages of specialisation of judges

**Specialization of judges is in my opinion is more preferable solution because that is best way how judicial system can provide best legal protection to the parties .**

**Disadvantage is that generally speaking judges are not very fond of specialization because in some extend specialization can be disadvantage when they apply for promotion to a higher courts.**

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<sup>3</sup> See principles of judicial ethics as defined in CCJE's Opinion No. 3 (i.e. rules having no disciplinary impact).